

ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

NATHAN CHARLES GRIGGS) CIVIL NO. 1:00-CV-2219
)
Plaintiff)
)
VS.)
)
BRIAN FISHER ET AL,) (JUDGE CALDWELL)

FILED
HARRISBURG,
SEP 19 2002

MARY E. D'ANDREA
Per 9/18
Deputy Clerk

MOTION TO WITHDRAW THE COMPLAINT
AS TO DEFENDANTS DEROSE, CARROLL, AND STEWART

- 1.) During the case management conference on this case the Court wisely suggested that plaintiff's counsel should perhaps review the Complaint with plaintiff, who had originally filed pro-se, and consider dropping some defendants if appropriate and acceptable to plaintiff.
- 2.) Counsel and plaintiff took the court's advice seriously and have thoroughly reviewed the facts and circumstances in support of plaintiff's allegations.
- 3.) Consequently plaintiff has decided to withdraw the Complaint against the defendants DeRose, Carroll, and Stewart.
- 4.) While these defendants may well have incurred liability for retaliation after plaintiff filed his complaint, given his status as a former prisoner, the severity of the retaliation (deprivation of certain in house privileges and opportunities as well as undeserved administrative punishment) plaintiff feels that withdrawal is a practical way to streamline the case and focus on his allegations of the 4th Amendment violations that were clearly more egregious.

5.)This decision was reached after a through review by counsel and plaintiff working together and is considered to be in the best interest of all parties. Defendants counsel has been contacted and defendants do concur in this motion.

WHEREFORE the Court is respectfully requested to dismiss this action as to defendants DeRose, Carroll, and Stewart.

Respectfully Submitted,



BAILEY STRETTON & OSTROWSKI
Don Bailey Esq.
4311 N. 6th Street
Harrisburg, Pa 17110
(717) 221-9500

9CERTIFICATE OF SERVICE

I, Don Bailey do hereby certify that on this **19TH DAY OF SEPTEMBER 2002**

I served a true and correct copy of the **MOTION TO WITHDRAW THE
COMPLAINT AS TO DEFENDANTS DEROSE, CARROLL, AND STEWART**
upon the attorneys below by First class-postage prepaid mail:

JAY R. BRADERMAN
ATTORNEY AT LAW
126 LOCUST STREET
P.O. BOX 11489
HARRISBURG, PA 17108-1489


Don Bailey Esquire